



Acting Chairperson: Jim McKenna, Port of Portland
Treasurer: Fred Wolf, Legacy Site Services for Arkema

April 14, 2010

Chip Humphrey
Eric Blischke
U.S. Environmental Protection Agency, Region 10
805 SW Broadway, Suite 500
Portland, OR 97205

Re: EPA Performance Standards for Confined Disposal Facilities for the Portland Harbor Feasibility Study (Lower Willamette River, Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)

Chip and Eric:

The Lower Willamette Group (LWG) is in receipt of your letter of February 18, 2010 regarding performance standards for Confined Disposal Facilities (CDFs) for the Feasibility Study (FS). We appreciate the time EPA has spent with us on March 10, 18 and 29 and follow-up conversations to clarify the directions provided in the February 18, 2010 letter. Based on the clarifications provided by EPA, the LWG will address the performance standards as directed by EPA as part of the alternatives screening and present the results to EPA at the screening check-in. We understand that this is an acceptable approach to EPA as a means for moving the FS forward while also ensuring EPA has the information it needs to make remedial decisions.

Please see the attached table that lists the EPA comment, the LWG response, and EPA clarifications for specifics on how each directive will be addressed. If our understanding of EPA's clarifications is incorrect, then the LWG wishes to request an extension of the dispute deadline to resolve the misunderstanding. If EPA will not grant such an extension, then the LWG wishes to invoke dispute resolution over the EPA directive.

We look forward to moving forward with the FS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McKenna", with a stylized, flowing script.

Jim McKenna

cc: Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians of Oregon

Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Nez Perce Tribe
Oregon Department of Fish & Wildlife
United States Fish & Wildlife
Oregon Department of Environmental Quality
LWG Legal
LWG Repository